

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 201 KAR 35:080

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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure for a credential holder who voluntarily places oneself on inactive or retired status.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish procedure for the board to be aware of the credential holders who voluntarily places oneself on inactive or retired status.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations to register with the board as a credential holder.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in board having knowledge of credential holders who are not currently practicing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by: (1) allowing temporary credential holders to place their credential on inactive status; (2) requiring peer support specialist who place their credential on voluntary inactive status to state their final date of supervision; (3) add the enrollment fee of fifty (50) dollars to the text of the regulation; (4) notify credential holders that they cannot use their title or an acronym if they are in inactive status; (5) clarifying that registered alcohol and drug support specialist only provide peer support services; (6) setting a time limit of two (2) years to remain on inactive status; (7) establishing that the two (2) year period begins when the board grants the request; (8) allowing a credential holder to request an extension of inactive status; (9) explaining that a credential will expire if a request for extension is not timely filed; (10) allowing credential created last legislative session to apply for retired status; (11) removing the age requirement for retired status; and (12) correcting the RADPSS acronym.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow credentials created last legislative session to go on inactive or retired status.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statute as the authorizing statute gives the board the ability to promulgate regulations to register with the board as a credential holder.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist by providing credential holders the ability to go on inactive or retired status and allow the board to track who is not practicing.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board is unable to determine the exact number of persons who would be impacted by this regulation since the applications vary from month to month. Future applicants and persons credentialed by the board will be affected by this administrative regulation. As of February 1, 2021 there were 513 licensed clinical alcohol and drug counselors, 21 licensed clinical alcohol and drug counselor associates, 458 certified alcohol and drug counselors, 930 temporary certified alcohol and drug counselors, 95 temporary registered alcohol and drug peer support specialists, and 15 registered alcohol and drug peer support specialists.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: Credential holders desiring to go on inactive or retired status must notify the board. A credential holder must notify the board prior to returning to the practice of alcohol and drug counseling or peer support.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Credential holders pay a fifty (50) dollar fee to go on inactive status.

(c) As a result of compliance, what benefits will accrue to the entities: The credential holders have the liberty to place oneself on inactive status and return to work when desired with approval of the board.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Initially, there is no additional cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: On a continuing basis, there is no additional cost to the administrative body to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by credential holders and applicants

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no increases in fees and no increase in funding will be necessary to implement this amendment to the administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation establishes a fee of fifty (50) dollars to go on inactive status.

(9) TIERING: Is tiering applied? Explain why or why not. Tiering was not applied as the regulation is applicable to all credential holders. This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Alcohol and Drug Counselors.
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.0813(1) and (5)
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
 - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The board is unable to determine how much, if any, revenue this administrative regulation will generate for state or local government for the first year. The amendments to this administrative regulation establish a fee of fifty (50) dollars to go on inactive status.
 - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The board is unable to determine how much, if any, revenue this administrative regulation will generate for state or local government for subsequent years. The amendments to this administrative regulation establish a fee of fifty (50) dollars to go on inactive status.
 - (c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this program.
 - (d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- (4) Revenues (+/-): Neutral
- (5) Expenditures (+/-): Neutral
- (6) Other Explanation: None